

REMARKS

This is a reply to the Advisory Action mailed November 25, 2003, with a response period that expired three months from the July 31, 2003 mail date of the Final Office Action, namely October 31, 2003. A petition for a three month extension of time and a Request for Continued Examination accompany this response. This response is filed within the extension period, namely January 31, 2004. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Applicants respectfully request reconsideration and allowance of the pending claims in view of the Amendments and Remarks below.

1. Drawings

FIGS. 1 and 2 were objected to under 37 CFR §1.84 for minor clarity infirmities. Applicants submit amended FIGS. 1 and 2 having well defined, legible lines and numbers. Applicants respectfully submit that no new matter has been added as a result of these amended drawings.

2. Status of the Claims

Claims 1-5 and 12-16 are pending in this application. Claims 6-10 and 17-18 have been withdrawn. Claim 11 has been canceled. Claims 19-111 have been canceled as non-elected claims. Claims 1, 12 and 13 have been amended. Support for the amendments may be found in the present specification as follows:

claims 1, and 12-13, page 8 line 25 to page 9 line 2, page 9 lines 28-29.

3. Prior Art Rejections

Claims 1-5, 11, 13 and 15-16 were rejected under 35 U.S.C. § 103(a) as being obvious over International Patent Application No. WO 95/13918 to Rosenbaum et al. (*Rosenbaum*). Claims 12 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious over *Rosenbaum* in view of U.S. Patent No. 6,004,636 to Nicola et al. (*Nicola*). Applicants respectfully traverse these rejections as *Rosenbaum* and *Nicola*, either alone or in combination, do not teach or suggest the subject matter of the claims for the reasons set forth below.

Combining the disclosures of *Rosenbaum* and *Nicola* fails to teach or suggest a multiple layered tubing with a second layer being a second thermoplastic elastomer composed solely of a styrene and diene copolymer as each reference fails to disclose a film layer composed solely of a styrene and diene copolymer. *Rosenbaum* discloses that skin layer 12 is a polymer blend composed of a polypropylene copolymer blended with styrene and hydrocarbon block

copolymers. *Rosenbaum*, page 8 line 35 through page 9 line 3. As *Rosenbaum*'s second layer is a blend containing polypropylene, *Rosenbaum* does not teach or suggest an elastomer layer composed solely of a styrene and diene copolymer.

Similarly, *Nicola* fails to teach or suggest an elastomer layer composed solely of a styrene and diene copolymer as recited in the present claims. Rather, *Nicola* discloses a single layer medical bag composed of a polymer blend, the blend being a matrix-phase polymer. The *Nicola* matrix-phase polymer utilizes polypropylene or polyethylene as the matrix polymer in combination with an elastomeric phase polymer. *Nicola*, col. 2 lines 27-46. As the *Nicola* polymer blend contains either polypropylene or polyethylene, *Nicola* cannot teach or suggest a film layer composed solely of a styrene and diene copolymer. Both *Rosenbaum* and *Nicola* each disclose an elastomeric layer containing either polypropylene or polyethylene. The skilled artisan would thereby acknowledge that combining the teachings of *Rosenbaum* and *Nicola* also teaches an elastomer layer having either polypropylene or polyethylene. Thus, combining the disclosures of *Rosenbaum* and *Nicola* fails to teach or suggest a thermoplastic layer composed solely of a styrene and diene polymer, as recited in the present claims.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1-5 and 12-16 are in condition for allowance and respectfully request an indication of the same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

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BY



Joseph A. Fuchs, Reg. No. 34,604
P.O. Box 1135
Chicago, Illinois 60690-1135
Tel: (312) 807-4335